S.B.CRIMINAL MISC. BAIL APPLICATION NO.4077/2007

(Hanuta Ram & Ors. vs. State of Rajasthan)

DATE OF ORDER : September 03, 2007

HON'BLE MR.H.R.PANWAR,J.

Mr.Deepesh Beniwal, for the petitioners.
Mr.Ashok Upadhyaya, Public Prosecutor for State.
Mr. Hemant Dutt, for the complainant.

Heard learned counsel for the petitioners as well as the Public Prosecutor for the State. Perused the order impugned and the police investigation diary.

It is contended by the learned counsel for the petitioners that there is a cross-case between the parties being FIR No.71/2007 lodged by the petitioners against the complainant party and the complainant party also lodged the FIR No.72/2007. Both the parties are belonging to the same family and on the spur of the moment, there was a quarrel. Learned counsel for the petitioners has placed on record affidavits of injured Smt. Meera, Smt. Shivri and Purkha Ram.

Having regard to the facts and circumstances of the case and having perused the police investigation diary, in my view, petitioners No.2 Kishore (Ram Kishore), NO.8 Mohini and No.10 Naina Ram are not entitled for the bail for the reasons that the

injuries inflicted by them to the injured persons are on the skull and by sharp edged weapon. In this view of the matter, the bail application filed by petitioners No.2 Kishore (Ram Kishore), NO.8 Mohini and No.10 Naina Ram stands dismissed.

However, having regard to the facts and circumstances of the case, I think it just and proper to grant anticipatory bail to petitioners No.1 Hanuta Ram s/o Ladu Ram, No. 3 Kalu Ram Hanuta Ram, No.4 Khema Ram Hanuta Ram, No.5 Kailash s/o Kishore, No.6 Situdi w/o Kishore, No.7 Patasi w/o Kalu Ram and No.9 Rajudi w/o Naina Ram

Accordingly, the bail application is allowed and it is directed that in the event of arrest of petitioners No.1 Hanuta Ram s/o Ladu Ram, No. 3 Kalu Ram Hanuta Ram, No.4 Khema Ram Hanuta Ram, No.5 Kailash s/o Kishore, No.6 Situdi w/o Kishore, No.7 Patasi w/o Kalu Ram and No.9 Rajudi w/o Naina Ram in FIR No.72/2007, P.S. Mundawa, Distt. Nagaur , they shall be released on bail for a period till the police concludes the investigation and files the challan provided each of them furnishes a personal bond in the sum of Rs.10,000/- along with one surety of like amount each to the satisfaction of Investigating Officer to surrender and appear before the trial court on the date of filing of the challan after conclusion of the

investigation on the following conditions:-

(i)That they shall make themselves available for interrogation by a police officer as and when required;

(ii)That they shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer and;

(iii)That they shall not leave India without the previous permission of the Court.

The petitioners shall surrender before the trial court on the date of filing of the challan.

(H.R.PANWAR),J.

m.asif/-